



**Elections  
Ontario**

We Make Voting Easy.

**Election Finances  
CFO Handbook for Candidates**

**2022**

Note: This handbook is effective until December 31<sup>st</sup>, 2022.

March 2022

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## Disclaimer

This handbook is for the calendar year 2022. It provides guidance from Elections Ontario about how to comply with the *Election Finances Act*. To the extent that any conflict exists between this handbook and the *Election Finances Act*, the *Election Finances Act* prevails.

The most recently published handbook and forms for Candidates can be found online, by clicking this [link](#) or by scanning the quick response (QR) code below using the camera on a smartphone.



## Further information

Elections Ontario’s staff is always available to provide assistance. Please contact the Compliance Division at:

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## Online resources provided by Elections Ontario

The Elections Ontario website features tools that our stakeholders can use to view information on financial returns, contributions and filing data. The webpages feature information related to the following topics:

- Registered political parties, reserved party names, and third party advertiser information;
- CFO handbooks and forms;
- Financial returns and contributions;
- Graphics and charts utilities;

- A bulk download utility for contributions;
- Searchable database of political financing and party information;
- Eligible and paid quarterly allowances to political parties and constituency associations;
- Nomination and leadership contests and contestants; and
- Information for candidates.

The “[Graphics and Charts](#)” section provides stakeholders with utilities to represent the contribution data using a graphical interface. Political entities can use this to view contribution information from past events, and totals per year and per event by party and electoral district.

More information can be found on our [website](#).

## Political Entity Portal (PEP)

The [Political Entity Portal \(PEP\)](#) is an optional online filing tool that political entities can use to file their financial statements. All active key stakeholders who are affiliated to a registered political entity have access to the portal pending a brief sign-up activity.

Some of its key features include:

- Ability to complete financial statements – from data entry, to audit and submission – all online;
- Access to historically filed financial returns and download capabilities;
- Update your personal contact information; and
- Attachments, comments, and return PDF.

Contact us at [efiling@elections.on.ca](mailto:efiling@elections.on.ca) for more information on PEP.

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## **Introduction**

This handbook describes the responsibilities of candidates under the *Election Finances Act* (The Act), as well as the administrative monetary penalties that may apply to failure to comply with the Act.

## Definitions

This section explains the types of elections, the election period, the nomination period, and the campaign period.

### Fixed date general election

An election in all electoral districts, following the dissolution of the legislative assembly, where election day is scheduled by section 9.1 of the *Election Act*.

### Non-fixed date general election

An election in all electoral districts, following the dissolution of the legislative assembly, where election day is not scheduled by section 9.1 of the *Election Act*.

### By-election

An election in an electoral district, between general elections.

### Election period

The election period is the period commencing at 12:01 AM on the day the writ is issued and ends on polling day.

### Nomination period

The nomination period begins when the writ of election is issued and ends at 2 p.m. of the day stated as the day of the close of nominations in the writ.

### Campaign period

The campaign period begins when the writ of election is issued and ends three months after polling day.

## **Prohibitions on Pre-Registration Activity**

This section explains activities prohibited prior to a candidate registering with Elections Ontario.

### **Limitations on financial activity before registration**

A candidate and his or her campaign, including any persons, organizations or entities acting on the candidate's behalf, must not engage in any financial activities for political purposes before the writ for an election is issued. [Act reference 13(2)]

Financial activities include, but are not limited to, accepting contributions and incurring expenses.

## Roles and Responsibilities

This section explains the roles and responsibilities of a chief financial officer and an auditor for a candidate.

### Chief Financial Officer (CFO)

A chief financial officer (CFO) is a person appointed by a candidate's campaign to record, report and keep financial information in accordance with the *Election Finances Act*. All candidates' campaigns must appoint a CFO before registration. If the appointment ends for any reason, a new CFO must be appointed immediately and Elections Ontario informed in writing immediately. [Act references 33(2) and 33(3)]

### Selecting and appointing a CFO

The obligations of a CFO are significant. Because of the skills required, it is recommended that the CFO have knowledge of accounting or bookkeeping.

A CFO cannot be the auditor of his or her own candidate.

### Responsibilities of the CFO of a registered candidate for a party with an electronic database

The CFO is legally responsible for:

- certifying any changes in registration information reported to Elections Ontario;
- keeping proper financial records of all income and expenditures, including deposit slips, invoices, etc.;
- ensuring that only eligible contributions are accepted, and corrective action is taken where ineligible contributions have been accepted;
- complying with electronic database guidelines outlined by Elections Ontario and any additional requirements set by the political party;
- filing all required financial statements with Elections Ontario by the deadline dates;
- processing all payments on time;
- preparing a budget before a campaign and providing authorization to the constituency association's CFO for all expenditures during the campaign to ensure compliance with campaign expense limits;
- ensuring that funds are borrowed only from eligible sources;



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- keeping all financial records for a minimum of six years as recommended by the Canada Revenue Agency (CRA); and
- transferring all financial records and tax receipts to the incoming CFO when leaving the position.

### **Responsibilities of the CFO of a registered candidate for a party with no electronic database**

The CFO is legally responsible for:

- certifying any changes in registration information reported to Elections Ontario;
- keeping proper financial records of all income and expenditures, including deposit slips, invoices, etc.;
- ensuring that only eligible contributions are accepted, and corrective action is taken where ineligible contributions have been accepted;
- depositing all funds received in the financial institution on record with Elections Ontario;
- recording contributions consisting of goods and services at fair market value;
- keeping a list of all contributions received, including name and address of contributors, and submitting the list to Elections Ontario with the financial statements;
- issuing tax receipts for the purpose of acknowledging contributions after they have been accepted;
- keeping all required copies of issued, cancelled, and unused tax receipts and cancellation notices;
- filing all required financial statements with Elections Ontario by the deadline dates;
- processing all payments on time;
- preparing a budget before a campaign and providing authorization to the constituency association's CFO for all expenditures during the campaign to ensure compliance with campaign expense limits;
- ensuring that funds are borrowed only from eligible sources;
- Issuing tax receipts for the purpose of acknowledging contributions after they have been accepted;

- keeping all financial records for a minimum of six years as recommended by the Canada Revenue Agency (CRA); and
- transferring all financial records to the incoming CFO when leaving the position.

## **Auditor**

A registered candidate is required to appoint an auditor within 30 days of receiving at least \$10,000 in contributions or incurring expenses of at least \$10,000, with respect to an election for which a financial statement is required. [Act reference 40(1)]

An auditor is appointed by a candidate’s campaign to provide an opinion on whether financial statements fairly present the information contained in the financial records.

### **Selecting and appointing an auditor**

To audit a registered candidate’s campaign period financial statements, an auditor must be a person or firm whose partners living in Ontario are licensed under the *Public Accounting Act, 2004*. [Act reference 40(1.1)]

An auditor for a candidate cannot be:

- a returning officer or deputy returning officer;
- an election clerk;
- a nomination contestant, candidate or leadership contestant;
- a CFO of a candidate or leadership contestant; or
- a CFO of a registered political party or a constituency association.

[Act reference 40(3)]

The partners or the firm with which such a person is associated is not ineligible to act as an auditor for a candidate.

### **Responsibilities of the auditor**

The auditor must:

- meet with the CFO of the registered candidate to discuss the audit process well before the filing date to determine cut-off and closing procedures and to agree on a date when the auditor will be given access to all records, documents, books, accounts and vouchers of the candidate’s campaign that may be necessary to issue the auditor’s report;

## Elections Ontario – CFO Handbook for Candidates Roles and Responsibilities

- provide an opinion on the campaign period financial statements of the registered candidate;
- provide an opinion on the supporting schedules of the campaign period financial statements of the registered candidate;
- provide to the registered candidate’s campaign the auditor’s invoice for the work performed. The CFO must file the invoice with the audited financial statements to Elections Ontario; and
- collect payment from the registered candidate’s campaign for the work performed, less any audit subsidy received directly from Elections Ontario.

## Registration

This section explains the process and form to register a candidate and update changes in registration information. Registration under the *Election Finances Act* is achieved by filing the Candidate Nomination Paper (F0400).

### Nomination of a candidate

Nomination papers may be filed with Elections Ontario at any time up until the date the writ of election is issued or with the returning officer for the electoral district during the nomination period that begins when the writ of election is issued and ends at 2 p.m. of the day stated as the day of the close of nominations in the writ. The nomination paper requires the signatures of 25 voters.

Refer to the Candidate’s Guide for further information.

### Prior to an election period

Candidate Nomination Papers (F0400) can be filed with Elections Ontario at any time prior to the nomination period.

During the six-month period before the writ of election is issued, when a nomination paper has been accepted and approved, Elections Ontario will issue a Certificate of Nomination (F0402) indicating that:

- the applicant will be a candidate in the election and they will be referred to as a pre-certified candidate; and
- after the writ of election is issued, they will be referred to as a registered candidate.

A pre-certified candidate may not receive contributions or incur expenses until the writ of election is issued and they are deemed registered.

### During an election period

Nomination papers may be filed with the returning officer for the electoral district during the nomination period.

If approved, a Certificate of Nomination (F0403) will be issued by the Returning Officer.

A person is deemed a registered candidate on and from the day the Certificate of Nomination (F0403) has been issued.

### Appointing a CFO

A candidate must appoint a CFO before submitting the nomination form.

Refer to the Roles and Responsibilities section (previously) which explains their duties.

## **Political party requirements**

As a candidate endorsed by a registered political party, there may be certain preregistration requirements specific to the political party that must be met. Consult with your political party for any requirements.

## **Effective date of registration**

A candidate is registered no earlier than the day the writ is issued. A candidate applying for nomination after the writ is issued, is registered upon approval of the nomination by the returning officer.

## **Bank Account – name of account**

The *Election Finances Act* does not specify the exact wording for the name of a bank account for an entity. Each registered entity must open a bank account to be used for all financial activity of the entity.

We recommend that the name on the account should be clearly identified as an account for that entity.

The Act does not specify the type of account that must be opened, but typically, it would be similar to an account for a non-profit organization.

Consult with your financial institution regarding their requirements for opening an account.

## **Change in registration information**

The following text explains how to affect changes in registration information.

### **Written notice of changes**

Whenever there is any change in CFO or contact information, a registered candidate must file a Nomination Statement of Change (F0401) setting out the new information which may be amended by the Returning Officer or by Elections Ontario.

A change in registration information includes a change to:

- the full name or address of the registered candidate;
- the political party endorsing a registered candidate;
- the CFO of a registered candidate;
- the address of the place at which documents will be accepted and a telephone number at which the individual can be contacted;

## Elections Ontario – CFO Handbook for Candidates Registration

- the names of all persons authorized to accept contributions;
- the name and address of every financial institution at which a bank account is held by a registered candidate for holding contributions; and
- the signing officers responsible for each bank account.

### **Change in CFO**

Where there is a change in CFO, the person accepting the appointment shall receive the following documents from the outgoing CFO:

- the financial records of the registered candidate;
- the complete supply of tax receipt forms provided by Elections Ontario (where an electronic database is not used to issue tax receipts); and
- a reconciliation of used and unused tax receipts (where an electronic database is not used to issue tax receipts) from the date the last financial statements were filed with Elections Ontario to the date the transfer of responsibility is effective.

If these documents are not provided, the new CFO must write to advise Elections Ontario of the steps taken to secure the documents.

### **Responsibility for notification**

The responsibility for notifying Elections Ontario of changes in registration information lies with the registered candidate. Elections Ontario will rely and act on information submitted by the candidate and CFO last on record with Elections Ontario.

### **Withdrawal of a candidate**

If a registered candidate withdraws his or her candidacy after having received a Certificate of Nomination (F0403) from the Returning Officer, the registered candidate must prepare and submit a Nomination Notice of Withdrawal (F0404). In this document, the candidate acknowledges that they must file their Candidate's Campaign Period Financial Statements (Form CR-1), as required by the *Election Finances Act*.

Refer to the Financial Statements section in this handbook.

## Contributions

This section explains administering contributions: the sources, limits, types, and disclosure for a candidate.

Contributions are money, goods, or services given to a registered candidate's campaign for the purposes outlined in the *Election Finances Act*.

Contributions are one part of total income that is used in a registered candidate's operations. There are restrictions as to the source, amount and form of contributions. In addition, there are recording and reporting requirements for contributions. Contributions may only be made by individuals normally resident in Ontario, using their own funds.

Contributions do not include:

- any money, goods or services solicited by or donated to a candidate by political party, leadership contestant, constituency association, or nomination contestant not registered under the Act. [Act references 10(1), 11(1), 12.1(1), 13(2), and 14(1)];
- any goods produced, or services performed, for any candidate, by voluntary labour; Refer to Non-Contribution Income section for further details.

A registered candidate may make contributions to be used for the candidate's own campaign, and out of the candidate's own funds. These funds must not exceed \$10,000 in total during the campaign period, combined with any period during which the candidate is registered.

In any calendar year all the goods and services contributed by a person and having an aggregate value of \$100 or less, may not be considered as a contribution, at the option of the person providing the goods or services. Refer to Goods and services section under Non-monetary contributions.

For the purposes of contributions, voluntary labour is defined as any service provided free of charge by a person outside their working hours, but does not include such a service provided by a person who is self-employed and the service is one that is normally charged for by that person.

### Eligible contributions

Only contributions solicited for the purposes of the *Election Finances Act* will be considered to be a contribution. Purposes of the *Election Finances Act* are interpreted by Elections Ontario to be activities related to electing a candidate to the Legislative Assembly of Ontario and incidental activities

necessary. Contributions must be made using the contributor's own funds.  
[Act reference 19(1)]

Contributions may only be made by individuals normally resident in Ontario using their own funds.

Any funds that have been given or furnished by any person or group of persons or by a corporation or trade union for the purpose of making a contribution are not eligible contributions. [Act reference 19(1)]

For guidance on contributions received from fund-raising activities/events, refer to the section on Fund-raising.

## **Literature and communication used to solicit contributions**

All literature and communication used to solicit contributions by or on behalf of a registered candidate's campaign must clearly identify the candidate receiving the contribution.

## **Sources of contributions**

The following text explains sources of political contributions.

### **Eligible contributors**

Contributions may only be made to a registered candidate's campaign during the campaign period by a person who is normally resident in Ontario, including a person serving in the armed forces, diplomatic service, or similar type of employment abroad if that person's normal home is in Ontario.

A registered candidate's own funds are considered eligible contribution for his or her own campaign and are subjected to the contribution limit of \$10,000. A statement of expenses paid by a registered candidate using his or her own funds must be provided to the CFO with accompanying supporting documentation within three months after polling day. [Act reference 18(3)]

Contributions from an affiliated political organization are considered eligible. Refer to the section below.

No candidate registered under the Act shall accept a contribution made in contravention of the above.

### **Contributions from trade unions, corporations, unincorporated associations and organizations**

Contributions to a candidate registered under the Act from any trade union, corporation, unincorporated association or organization are not permitted.



### **Contributions from affiliated political organizations**

An affiliated political organization is an organization within or associated with a registered political party, such as a youth group or other group of party members, which is recognized, endorsed or supported by the political party or one or more of its registered constituency associations. [Act reference 26(4)]

An affiliated political organization may make a contribution to a candidate endorsed as an official candidate by the affiliated political party or constituency association.

An affiliated political organization may also hold specific fund-raising activities under the sponsorship of the affiliated candidate's campaign provided that the entire proceeds and a statement of income and expenses of each activity are turned over to the candidate's CFO.

### **Source of contributor's funds**

No registered candidate's campaign or person acting on its behalf may solicit or knowingly accept any contribution that is not made in the contributor's own funds. [Act reference 19(2)]

#### **Example:**

If a contributor attends a fund-raising event, that person must pay for the ticket from his or her own funds and must not be reimbursed for that payment.

### **Ineligible contributions**

The following text explains ineligible contributors, and anonymous and conditional contributions.

#### **Ineligible contributors**

No registered candidate's campaign may directly or indirectly knowingly accept contributions from an ineligible contributor. [Act reference 29(1)]

Ineligible contributors to a registered candidate's campaign include, but are not limited to:

- any source outside Ontario;
- registered charities;
- any corporation or trade union;
- any person normally resident outside Ontario;

## Elections Ontario – CFO Handbook for Candidates Contributions

- members of the House of Commons living in Ontario but representing an electoral district outside Ontario;
- federal political parties or constituency associations; and
- political parties or constituency associations from other provinces.

### **Anonymous contributions**

A registered candidate's campaign must not accept anonymous contributions.

A registered candidate's campaign must return anonymous contributions to the contributor. If the contributor cannot be identified, the funds must be paid to Elections Ontario. [Act reference 17(2)]

### **Conditional contributions**

A registered candidate's campaign may accept directed contributions so long as they are for the general or specific purposes of the candidate's campaign.

#### **Examples:**

- A contributor gives \$100 with the direction that it be used to place an advertisement in a newspaper; this is an acceptable contribution.
- A contributor gives funds to cover fees for meetings, seminars, workshops, or conferences that are sponsored by the candidate's campaign and held in Ontario; this is an acceptable contribution.

However, a registered candidate's campaign must not solicit or accept directed contributions that would contravene the *Election Finances Act*.

#### **Examples:**

- If a potential contributor instructs that funds equivalent to the contribution be ultimately transferred to a registered constituency association such that the contribution limit of the constituency association would be exceeded, this is considered a directed contribution contrary to the *Election Finances Act* and must not be accepted.
- If a potential contributor instructs that funds solicited are to be used for purposes outside of the *Election Finances Act* (for example, Save the Whales) or purposes specifically prohibited (for example, leadership contests), these are considered directed contributions contrary to the *Election Finances Act* and must not be accepted.

A registered candidate's campaign must also not accept conditional contributions. A conditional contribution is where the contributor, as a

Elections Ontario – CFO Handbook for Candidates  
Contributions

condition of making the contribution, requires the recipient to give the contributor a material benefit in return as well as a tax receipt.

**Example:**

A contributor cannot donate \$200 on the condition that the recipient purchase a bicycle using those funds to give to the contributor.

**Contribution limits**

There are limits on contributions that may be accepted by a registered candidate’s campaign. All eligible contributors to a registered candidate’s campaign are subject to the same limits.

Contribution limits apply to the total of monetary and goods and services contributions from any single source. No registered candidate’s campaign may knowingly accept any contributions in excess of the limits imposed by the *Election Finances Act*. [Act reference 28]

In the 2022 calendar year, a person can contribute up to a limit of \$3,325. This \$3,325 limit is aggregated across all registered candidates of any one registered party and all registered candidates not endorsed by a registered party.

Should the contribution limit be exceeded for a campaign period, the amount of the excess contribution must be returned to the contributor or, if it cannot be returned, then remitted to Elections Ontario. [Act reference 17(2)]

**2022 Contribution Limits to Candidate Campaigns**

Source	Period	Contribution Limit	Recipients Included in the Limit
Individual contributor using own funds	Campaign period	\$3,325	Individual candidate campaigns for a party
Individual contributor using own funds	Campaign period	\$3,325	Individual candidate campaigns for candidates not endorsed by a party
Candidate using own funds	Campaign period	\$10,000	Limited to one’s own campaign

**Examples:**

- Suyin may contribute an amount up to \$3,325 to a candidate’s campaign during the campaign period. For example, if the campaign period for a by-election held in 2022 was from January 27, 2022 (the

day the writ was issued) to May 25, 2022 (3 months after polling day). Suyin can contribute up to \$3,325 to a candidate's campaign during the campaign period.

- Daniel may contribute an amount up to \$3,325 to candidate campaigns of one political party during a campaign period. For example: during a general election, Daniel would be able to contribute \$665 to 5 candidate campaigns of one political party during the general election campaign period.
- A candidate may contribute an amount up to \$10,000 to their own campaign. For example, during an election campaign period, Brigitte a registered candidate can pay expenses out of her own pocket and/or contribute to her own campaign an amount up to \$10,000. For expenses Brigitte paid out of her own pocket, she will submit to her chief financial officer a statement in writing setting forth all campaign expenses paid or to be paid out of her own funds, together with all receipts and claims within three months after polling day.

## Forms of contributions

The following text explains the two forms of contributions: monetary and non-monetary.

### Monetary contributions

A monetary contribution to a registered candidate's campaign of up to \$25 may be given in cash. Any monetary contribution of more than \$25 shall not be contributed through cash. Such contributions must be made by any modern financial practice where the contributor and their account information can be confirmed. Such practices include payment by cheque, credit card, E-transfer, money order signed by the contributor, debit card, or online payment (e.g. PayPal). [Act reference 16(2)]

Crowdfunding, or crowdsourcing, through the internet for contributions is also permitted, provided that the proceeds are accompanied by information that allows the CFO to trace and track contributions from individual donors. If for any reason a CFO cannot facilitate the collection of this information for crowd-funded proceeds, then it should not accept contributions through these means. Contributions must be from eligible contributors, using their own funds, and within the contribution limits.

Where there is a processing fee, the full amount sent by a contributor is the contribution amount and the processing fee is an expense.

## **Non-monetary contributions**

The following text explains non-monetary contributions: cryptocurrency and goods and services.

### **Cryptocurrency**

Contributions in the form of cryptocurrencies are considered to be non-monetary contributions.

Contributions of cryptocurrency are permitted, provided that they are accompanied by information that allows the CFO to trace and track the individual donor. Contributions must be from eligible contributors, using their own funds, and within the contribution limits.

The amount of contribution to be recorded is the commercial value of the cryptocurrency in Canadian dollars at the time that it was received, based on the actual exchange rate or the rate on a major exchange platform. The amount of the contribution should be recorded as a contribution of goods and services with an offsetting other asset account. Any transaction fees incurred should be recorded as an expense.

### **Goods and services**

All goods or services provided by a supplier are considered a contribution with an offsetting expense if their total value is more than \$100. If the total value is \$100 or less, it is also considered a contribution unless the donor specifies otherwise. Goods or services not considered a contribution are recorded as other income with an offsetting expense. [Act reference 21(2)]

Whenever goods or services have been provided, whether or not considered to be a contribution for the purposes of the *Election Finances Act*, an expense in the equivalent fair market value is considered to have been incurred.

An exception, where goods and services are not considered to be a contribution, is when goods and services are produced by voluntary labour. [Act reference 1(1)]

### **Examples:**

- Rahul brought pizza totaling \$30 to the registered candidate's meeting held in March 2022. Since the fair market value of the pizza is less than \$100, the CFO of the registered candidate must ask Rahul if he would like to treat the donation of pizza as a contribution for which Rahul would be issued a tax receipt for goods and services. Rahul does not want the pizza to be considered a contribution.

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Rahul also shows up at another meeting in June 2022 with pizza totaling \$40 for which he also does not treat as a contribution.

In October 2022, Rahul purchases office supplies totaling \$40 for the candidate. Rahul has now provided goods totaling \$110 for the registered candidate, the CFO must now inform Rahul that his donations of pizza and office supplies has exceeded the \$100 threshold and the total \$110 must now be considered a contribution of goods and services and a tax receipt for \$110 will be issued to Rahul.

- Suyin is a bookkeeper who provides bookkeeping services to the registered candidate in 2022. The fair market value of her services is \$400 for the year, since the fair market value exceeds \$100 for that year, the CFO of the registered candidate must consider Suyin's bookkeeping services as a contribution of goods and services and a tax receipt for \$400 will be issued to Suyin.

### **Value of goods and services**

The value of goods and services is considered to be the fair market value for similar goods and services at the time they are provided.

If the contributor is in the business of supplying such goods and services, fair market value is the lowest amount charged by the contributor for an equivalent amount of goods and services at the same time and in the same market area.

Where the contributor is not in the business of supplying such goods and services, fair market value is the lowest amount charged at the same time by any other person or business providing similar goods on a commercial retail basis or similar services on a commercial basis in the same market area. [Act reference 21(1)]

If the goods and services contributed has an aggregate fair market value of \$100 or less, the contributor has the option to not have it considered as a contribution.

### **Goods and services provided for less than fair market value**

Where goods and services are provided for a price less than fair market value, including goods and services that are not paid for or where there is an agreement not to accept payment, the difference between the price and fair market value must be considered a contribution. [Act reference 21(3)]

However, the rules regarding the eligibility of contributors still applies.

### **Payment of suppliers**

All suppliers must be paid promptly within the normal credit terms as provided by the supplier. Any delay in payment may also be considered an ineligible contribution or an ineligible loan.

### **Supporting documentation for goods and services**

All contributions of goods and services must be supported by an invoice, statement of account, or receipt from the supplier of the goods and services. [Act reference 38(7)]

## **Administering contributions**

The following text explains accepting, recording, receipting, and returning contributions.

### **Accepting contributions**

The following text explains accepting and depositing contributions.

### **Deposit of contributions**

A candidate's campaign may accept contributions only if it is registered with Elections Ontario.

Contributions will be considered accepted:

- if paid by cash, cheque, E-transfer, cryptocurrency (e.g. Bitcoin) money order, or debit card, at the time the contributions are deposited in the financial institution; and
- if paid by credit card, online payment (e.g. PayPal) or any other manner that associates the contributor's name and account with the payment, on the date of the transaction.

All money collected by or on behalf of a registered candidate's campaign must be deposited. [Act reference 16(3)]

Contributions received in an envelope postmarked prior to the end of a reporting period, or received on the last day of a reporting period that cannot be deposited because the financial institution is closed, must be recorded as an outstanding bank account deposit on the last day of the reporting period. Each outstanding deposit must be deposited on the next available banking day.

### **Persons authorized to accept contributions**

It is the CFO's responsibility to ensure that only eligible contributions are accepted and appropriately recorded.

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A registered candidate must not personally accept contributions. [Act reference 32]

Only the CFO or other authorized persons noted on the Candidate Nomination Paper (F0400) filed with Elections Ontario may accept contributions.

Any contributions collected by others, for example, by means of a door-to-door canvass, must be turned over immediately to the CFO or other persons on record with Elections Ontario, along with a list of the names and addresses of the contributors and the amounts of their individual contributions.

### **Recording of contributions**

The details of all contributors and contributions accepted on behalf of a registered candidate's campaign must be recorded by the CFO.

Any contributions collected by others, for example, by means of a door-to-door canvass, must be turned over immediately to the CFO or other persons on record with Elections Ontario, along with a list of the names and addresses of the contributors and the amounts of their individual contributions.

### **Use of electronic database for recording contributions and issuing tax receipts**

If the registered political party endorsing a registered candidate is required or has chosen to use an electronic database for recording contributions and issuing tax receipts, refer to the Electronic Database section which details requirements for recording and reporting contributions for the candidate's campaign. The political party will also have its own requirements for the electronic database which the candidate's campaign must be aware of.

The CFO of registered candidates shall not issue receipts for contributions. Instead, the CFO of the registered party is responsible for ensuring that receipts are issued to the contributor.

### **Receipting of contributions**

All contributions accepted by a registered candidate's campaign must have a receipt issued by the CFO. Refer to the Tax Receipts section for further details on receipting of contributions.

### **Return of contributions**

A CFO may learn that a contribution has been made or accepted in contravention of any provisions of the *Election Finances Act*. These contraventions may include, but are not limited to:

- contributions from unidentifiable or anonymous sources;



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- contributions from ineligible sources;
- contributions in excess of the limits provided in the *Election Finances Act*;
- cash contributions in excess of \$25;
- contributions of funds not belonging to the contributor;
- contributions of funds from a federal political party or its organizations; or
- contributions of funds from a municipal candidate.

In these cases, the CFO must return to the contributor an amount equal to the sum contributed within 30 days. [Act reference 17(1)]

Any such contribution not returned to the contributor or any anonymous contribution accepted by a registered candidate's campaign must not be used for any purpose and must be paid to Elections Ontario. [Act reference 17(2)]

Since any money returned is not used for a political purpose, the contributor is not entitled to a tax receipt for the portion of the contribution returned. Therefore, any issued tax receipt must be cancelled. Refer to the Tax Receipts section for further details on cancelling tax receipts. [Act reference 17(1)]

### **Reporting of contributions**

The following text explains the requirement to disclosure contributions with filed financial statements.

#### **Public disclosure**

It is recommended that contributors donating more than \$200 be notified that their names and addresses will be recorded and submitted with the financial statements, and that their names and amounts will be published by Elections Ontario on the Elections Ontario website. [Act reference 2(1)]

#### **Reporting on financial statements**

All the recorded information for contributions accepted during a campaign period must be reported in the campaign period financial statements filed with Elections Ontario.

### **Contributions accepted by a political party on behalf of a candidate (agency contributions)**

The following text explains contributions accepted on behalf of a candidate by a political party.

### **Contributions eligible to be accepted by a political party**

A registered political party may accept contributions of money (but not goods and services) on behalf of its registered candidates' campaigns. These monetary contributions are referred to as "agency contributions".

### **Responsibilities of the CFO of a candidate**

The registered candidate's CFO must:

- ensure every agency contribution accepted by the candidate's political party is recorded in the financial statements of the candidate that include the date the contribution was received by the registered political party;
- include the details of agency contributions with details of contributions received directly in compiling the list of contributors whose contributions total more than \$200, which is a part of the financial statements filed with Elections Ontario; and
- ensure that contributions, including agency contributions, received from a single source do not exceed the contribution limit provided under the *Election Finances Act*.

When the financial statements are being prepared, the registered candidate's CFO must determine whether the registered political party's CFO has agency contributions on hand that have not yet been forwarded to ensure completeness of reporting. Any agency contributions not yet forwarded must be forwarded immediately by the political party and reported as part of contributions received by the candidate's campaign.

## **Tax Receipts**

This section explains obtaining and processing tax receipts for contributions to a candidate.

A tax receipt is issued for every contribution to a registered candidate's campaign. Even a donor who wants a contribution of goods and services of an amount of less than \$100 treated as a contribution is entitled to receive a receipt. [Act reference 25(1)]

The CFO of a registered candidate is responsible for issuing proper tax receipts for all eligible contributions.

Only tax receipt forms provided by Elections Ontario may be used for tax purposes.

### **Use of electronic database for recording contributions and issuing tax receipts**

If the registered political party endorsing a registered candidate is required or has chosen to use an electronic database for recording contributions and issuing tax receipts, refer to the Electronic Database section which details requirements for issuing electronic tax receipts for the candidate's campaign. The political party will also have its own requirements for the electronic database which the candidate's campaign must be aware of.

### **Obtaining tax receipts**

Elections Ontario will supply blank tax receipts to the CFO of a registered candidate upon request. Only the CFO or authorized persons on record with Elections Ontario may request blank tax receipts.

The request can occur either by mail, email or phone. The following information must be included in a request for tax receipt forms.

- the number of receipts requested;
- the format of receipts requested (there are two different formats of receipts available):
  - handwritten three-part receipts; or
  - printable receipts (Elections Ontario does not provide any software or templates for printing receipts); and
- address and telephone number of where the receipts shall be sent. Note that a signature is required upon delivery by courier.

## Issuing tax receipts

The following text explains issuing tax receipts.

### Who can issue tax receipts?

Only CFOs or persons authorized to accept contributions on record with Elections Ontario can issue and sign tax receipt forms. [Act reference 33(4)(c)]

### When to issue tax receipts?

Tax receipts may be issued only once the contribution has been accepted. It is recommended that contributed funds clear the bank prior to issuing a tax receipt.

It is recommended that tax receipts be issued by the end of February for the prior year contributions so contributors have enough time to complete their income tax return. Tax receipts may be issued at any time, though experience has shown that contributors who are issued tax receipts too far in advance of their tax filings may misplace their receipts.

### Information on tax receipts

A sample tax receipt appears as follows, with descriptions of the fields below:

The image shows a sample tax receipt form for Elections Ontario, titled "CONTRIBUTOR'S COPY / COPIE DU DONATEUR". The form is pink and contains the following fields and instructions:

- Received / Reçu**: A field for the receipt number.
- Date accepted / Date de l'acceptation**: A table with columns for Day, Month, and Year.
- Date issued / Date de l'émission**: A table with columns for Day, Month, and Year.
- Amount received / Montant reçu**: A field for the amount, with a decimal point and a space for a dollar sign.
- From / De**: Radio buttons for "Individual / particulier", "Monetary / monétaire", and "Goods/Services/Advertising / articles/services/publicité".
- Signature of Chief Financial Officer / Signature du directeur de finance**: A line for the CFO's signature.
- Print - Name of Political Party or Contributing Association or Candidate or Leadership Committee / Imprimez le nom du parti politique ou l'association de contribution ou le candidat ou le directeur de campagne**: A line for the name of the political party or association.
- Full Name - Individual / Mailing address / Nom complet du particulier / Adresse postale**: A large field for the contributor's name and address.
- 08/2017**: A small date stamp.
- See over / Voir au verso**: A small instruction.

The following information is to be included on all tax receipts issued:

- date of acceptance of contribution (date of deposit or transaction);
- date of issuance of tax receipt (date of writing or printing receipt);
- amount of contribution (a dollar sign (\$) must appear immediately to the left of the first digit);

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- form of contribution (monetary or goods and services);
- full name and address of contributor;
- name of issuing registered candidate; and
- signature of CFO or authorized person.

Electronic signatures are acceptable on tax receipts. The CFO must accept full personal responsibility for all documents that have either an electronic or manual signature.

### **Tax receipts for agency contributions**

A contribution accepted by a registered political party on behalf of a registered candidate must be acknowledged by a receipt in the name of the particular candidate as specified by the contributor.

It is the responsibility of the registered political party's CFO to issue receipts for such agency contributions.

### **Cancellation of tax receipts**

Any tax receipt issued and sent for an ineligible contribution must be cancelled after learning of its ineligibility by:

- retrieving the contributor's copy of the original receipt for cancellation; or
- issuing a cancellation notice to the contributor within 30 days to cancel the original receipt.

If the original receipt cannot be retrieved for cancellation and a cancellation notice cannot be issued, the amount of the contribution must be remitted to Elections Ontario.

Voided tax receipts include unissued receipts completed with errors, jammed in printers, or formatted incorrectly. Any voided tax receipt must not be destroyed but be kept by the registered candidate's campaign to be submitted to Elections Ontario.

### **Process for lost contributor's copy of tax receipts**

If a contributor's copy of an issued tax receipt is lost, the CFO may provide the contributor with a photocopy of the CFO's original tax receipt. The photocopy will have the words "Certified True Copy" on it and a new signature by the CFO.

## Reporting and submitting tax receipts

As part of the financial statements, the CFO of a registered candidate must submit the following to Elections Ontario:

- for all valid issued tax receipts, Elections Ontario’s copy of the tax receipts;
- for cancelled tax receipts where the contributor’s copies were recovered, the contributor’s and CEO’s copy of the tax receipts, both marked “cancelled”;
- for cancelled tax receipts where cancellation notices were issued, Elections Ontario’s copy of the tax receipts and a copy of the tax receipt cancellation notice;
- for voided tax receipts, the contributor’s and CEO’s copy of the tax receipts; and
- a reconciliation of the change in number of tax receipts during the period, including the receipt numbers.

All copies of tax receipts and cancellation notices for submission to Elections Ontario must be submitted only with the campaign period financial statements unless requested otherwise. All unused tax receipts remaining at the end of a campaign period must also be returned to Elections Ontario with the campaign period financial statements.

## Keeping tax receipts

The registered candidate’s CFO is responsible to Elections Ontario for each supply of tax receipts.

Tax receipt forms are valuable documents. They are to be stored in a secure place and proper records kept by the CFO. It is strongly recommended that tax receipts be held by the CFO.

An outgoing CFO must either provide the unused supply of tax receipt forms to the incoming CFO or return the supply to Elections Ontario.

## Returning tax receipts

A registered candidate’s campaign must return tax receipt forms, whether used or unused, to Elections Ontario immediately on receiving a written request to do so.

The unused supply of tax receipt forms of a registered candidate's campaign at the end of a campaign period must be returned to Elections Ontario on filing of the campaign period financial statements.

## **Tax credits for individuals**

Individuals must include a tax receipt with their tax returns in order to claim the tax credit.

The tax credit discussed in this section is only for political contributions to registered Ontario political parties, constituency associations, leadership contestants and candidates. The tax credit is separate from the tax benefits available for contributions to federal political parties or charitable organizations.

If you need assistance, consult your tax adviser or the Canada Revenue Agency (CRA).

## Electronic Database

This section is to assist candidates of political parties that are required to, or choose to, use an electronic database for recording contributions and issuing tax receipts.

Registered political parties may be required to, or choose to, use an electronic database for recording contributions and issuing tax receipts. [Act reference 25.1(1)]

If the registered political party endorsing a registered candidate is using an electronic database, the candidate's campaign must also use the electronic database for recording contributions and issuing tax receipts. The only exception is where the political party has chosen to opt in early with use of the electronic database and has selected to not have its candidates comply.

## Recording of contributions

The CFO of a registered candidate is responsible for ensuring all contributions received by the candidate are recorded in the registered political party's electronic database. This may be done by:

- having direct access to the registered political party's electronic database to record the contribution; or
- sending supporting documentation of the contribution to the registered political party to allow the political party to record the contribution in the political party's electronic database.

[Act reference 25.1(4)]

If the CFO of the registered candidate inputs the contribution information directly into the political party's electronic database, all contribution information and supporting documentation must be sent regularly to the registered political party or immediately upon the registered political party's request.

## Issuing tax receipts

The CFO of the registered political party is responsible for issuing tax receipts for contributions recorded in the electronic database for the political party, its constituency associations, and its candidates. [Act reference 25.1(5)]

However, it is recommended that CFOs of candidates using the registered political party's electronic database understand the processes and internal controls set up by the political party for the review and approval of



contribution information in the electronic database before issuing tax receipts.

The CFOs of candidates using an electronic database must not issue tax receipts for contributions. [Act reference 25.1(6)]

### **Contribution reporting from the political party**

In order for CFOs of registered candidates to complete the required financial statements and for audit purposes, the registered political party is required to provide contribution reporting to the CFO of each registered candidate.

The CFO of each registered candidate should receive contribution reporting from the political party:

- on a regular basis; or
- as requested by the CFO of the candidate.

The registered political party will determine the frequency of the reporting by consulting with the candidates to meet their reporting and record-keeping needs.

Based on the contribution reporting provided by the registered political party, the CFO of the candidate must ensure all contributions received by the candidate's campaign have been recorded in the political party's electronic database.

## **Non-Contribution Income**

This section explains other forms of income that are not considered to be contributions.

In Ontario, other forms of income may be received by a registered candidate's campaign and not considered to be a contribution. These include the non-contribution portion of proceeds from fund-raising, general collections at meetings, goods and services not considered a contribution, transfers, interest income, and other income.

### **Fund-raising events**

Refer to the Political Events section for rules and requirements on fund-raising events.

### **Collection of money at meetings**

Where funds are collected for a registered candidate's campaign at a meeting, amounts of \$10 or less per person may be given and not be considered contributions. The gross amount collected from each meeting must be separately recorded and reported to Elections Ontario as part of the financial statements. [Act reference 24]

Only funds collected at meetings may be considered non-contribution income. Funds collected at any other event must be treated as contribution income and receipted accordingly, regardless of the amount.

### **Goods and services supplied**

Goods and services provided to a registered candidate's campaign must be treated as a contribution unless the total value of all goods and services provided in a campaign period is \$100 or less, and the value is not to be considered a contribution. Goods and services not considered a contribution must be recorded as other income and reported to Elections Ontario as part of the financial statements. [Act reference 21(2)]

### **Voluntary labour**

Under the Act "voluntary labour" is defined as any service provided free of charge by a person outside their working hours, but does not include such a service provided by a self-employed person if that service is normally charged for by that person. Any goods or services provided to any constituency association by voluntary labour is not considered as contribution under the Act.

## **Transfers**

The following text explains allowable and prohibited transfers applicable to a candidate.

### **Transfers between a political party, its constituency associations, and its candidates**

A registered political party, its constituency associations, and its candidates may transfer or accept funds, goods, and services. These transactions must be considered transfers as opposed to contributions. [Act reference 27]

### **Transfers between an independent member’s constituency association and its candidate**

A registered independent member’s constituency association, and its candidate may transfer or accept funds, goods, and services. These transactions must be considered transfers as opposed to contributions. [Act reference 27]

### **Prohibited transfers**

A registered candidate’s campaign must not directly or indirectly transfer funds to a political party, constituency association or candidate not registered with Elections Ontario.

A registered candidate’s campaign must not directly or indirectly transfer funds to a registered leadership contestant.

A registered candidate’s campaign must not directly or indirectly contribute or transfer funds to any federal political party, constituency association or candidate in a federal election under the *Canada Elections Act*.

A registered candidate’s campaign must not directly or indirectly contribute or transfer funds to any candidate in a municipal election under the *Municipal Elections Act 1996*. [Act reference 29(1.2)]

### **Recording of transfers**

The registered political party, constituency association, candidate, or leadership contestant making the transfer must indicate to the recipient that the transaction is to be treated as a transfer. This will ensure consistent treatment for reporting to Elections Ontario as part of the financial statements.

The source and amount of funds, goods, or services transferred must be recorded by the registered candidate’s CFO. Where goods and services are received, the transaction in the recipient’s records must reflect the fair market

value of the goods and services as a transfer received with the same amount recorded as an expense.

### **Interest income**

Interest income is any interest earned on deposits or investments. Interest income must be recorded and reported to Elections Ontario as part of the financial statements.

### **Other income**

Other income includes income not classified elsewhere, such as recoveries, goods and services not considered contributions, and gains on disposals of investments or fixed assets.

## Political Events

This section explains the two types of political events and other activities.

There are two types of political events:

- Fund-raising events
- Social events

### Fund-raising events

A “fund-raising event” means an event held for the purpose of raising funds for the party, constituency association, nomination contestant, candidate or leadership contestant registered under the Act by whom or on whose behalf the event is held, and where a charge by the sale of tickets or otherwise is made for attendance. Fund-raising events include activities such as dinners, dances, sporting events, shows, etc. for which an admission charge is paid. [Act reference 23(1)]

#### What is not a fund-raising event?

Social events such as dinners, dances, sporting events, shows, etc. that are held on a cost-recovery basis are not considered genuine fund-raising events. Gross income and expenses from these events must be recorded and reported as social events to the CEO on the financial statements.

#### Promoting a fund-raising event

The name of the political entity registered under the Act on whose behalf the fund-raising event is held must be clearly displayed on all materials distributed for that event. This includes any solicitation for contributions.

Any advertising of a fund-raising event appearing between the day the writ is issued and polling day, must comply with the blackout period rules. This advertising will be exempt from the campaign expense limit.

#### Mandatory posting of information on the political party website

Every political party with an electronic database must post the following information for fund-raising events held by or on behalf of the political party, its constituency associations and candidates on its website:

- the date of the fund-raising event;
- the location of the fund-raising event;
- the amount of the charge for attending the fund-raising event; and

- the identity of the recipient or recipients of the funds to be raised at the fund-raising event.

The above information shall be posted at least three (3) days before the fund-raising event.

### **Sale of tickets to events**

The following are recommended for organizing ticket sales:

- have pre-numbered tickets printed for the event;
- assign one person to control ticket distribution to ticket sellers and supervise the return of unused tickets and proceeds from tickets sold; and
- ensure that each ticket seller completes a list recording the ticket numbers sold and the full name and address of each ticket purchaser and method of payment.

### **Determining the contribution and fund-raising income portions of a ticket price**

Revenue from ticket sales must be split between contributions and fund-raising income (amounts not treated as contributions) and be reported accordingly on the statement of income and expenses.

The amount considered a contribution will be the ticket price less the per-person direct costs and the remaining revenue must be considered fund-raising income. Direct costs include expenses such as meals, complimentary liquor, taxes, and tips. Costs related to distribution of invitations, advertising, decorations, room rent, and equipment are not considered direct costs.

#### **Examples:**

- A fund-raising ticket is sold for \$100 and the per-person direct cost for the activity is \$30; the contribution portion is \$70.
- The entry fee charged for a fund-raising golf tournament is \$300. The direct costs are green fees, caddy fees, golf equipment and cart rentals, food, beverages, taxes, and tips which total \$200; therefore, the contribution portion is \$100.

The CFO has the option of considering an additional amount of up to \$30 per ticket above the direct costs to not to be a contribution. The CFO may choose to do this to determine the contribution portion of a ticket before knowing the exact amount of direct costs, or to round up the amount of direct costs to a dollar increment that simplifies recording and receipting of tickets. Note

that using this method will reduce the contribution amount eligible for a tax receipt. [Act reference 23(2.1)]

**Example:**

A ticket for a dance is sold for \$100 per person and the per-person direct costs are \$20; therefore, the CFO has the discretion in advance to set the contribution portion to be between \$50 and \$80.

If a purchaser of a ticket does not attend the fund-raising event, a contribution is still considered to have been given and a tax receipt must be issued to the purchaser for the net amount after direct costs.

Only eligible contributors may purchase tickets to a fund-raising event and the purchases may be considered to be contributions. Persons ineligible to contribute may still attend a fund-raising event by purchasing a ticket at the cost of the direct expenses but no contribution can be made.

### **Sale of advertising space**

Any amount paid for advertising at a fund-raising event must be considered a contribution. [Act reference 23(4)]

**Example:**

At a golf tournament, a sponsor (a person and not a corporation or trade union) may have paid for signs on the golf course or attached to golf carts. The full amount that the sponsor pays to the political entity for the signs displayed must be considered a contribution.

### **Social events**

Social events are activities where the purpose is not to raise funds. Such activities may include the sale of hot dogs to the community in a local park or a pizza party for members of a political entity.

Any amount charged at a social event is minimal and is just enough to cover the expenses of the activity. The gross (total) amount collected from social events must be separately recorded and reported to the CEO as part of the financial statements.

### **Other activities**

The following text explains auctions, and lotteries and games of chance in relation to a political entity.

#### **Auctions**

Auctions may be a major source of revenue, but conducting an auction requires careful control of the goods contributed or purchased for sale, and

the price of the goods bought by individuals attending the auction. Only eligible contributors (individuals using their own funds) may contribute items to the auction. A list must be kept of the name and address of suppliers and purchasers of items auctioned and the description and fair market value of each item.

Goods and services donated for an auction are considered to be a contribution. If the total value of goods and services provided by a donor is \$100 or less, the donor has the option of declaring them not to be a contribution.

Any amount paid for goods or services, other than advertising services, offered for sale during an event that is more than fair market value, must be considered a contribution. [Act reference 23(3)]

**Example:**

An auction is held to raise funds. Daniel donates a painting valued at \$130 that is bought by Rahul at the auction for \$350. Contributions recorded by the political entity are:

- from Daniel for \$130, as a goods and services contribution for the donation of the painting; and
- from Rahul for \$220, as a monetary contribution for the purchase of the painting, the contribution amount being the difference between the fair market value of the painting and the price for which it was purchased.

If an item is sold for less than its fair market value, there is no contribution by the purchaser of the item and the amount paid must be recorded as fund-raising income. The individual donating the item must still be considered to have made a contribution at fair market value regardless of the sale value.

**Lotteries and games of chance**

The *Criminal Code of Canada* makes lotteries, games of chance (including poker nights and 50/50 draws) illegal unless sponsored by charities. Political organizations are prohibited from holding lotteries or games of chance.

For further information, contact the Alcohol and Gaming Commission of Ontario at 416-326-8700 or toll-free in Ontario at 1-800-522-2876.



## Loans and Guarantees

This section explains loans and guarantees secured for a candidate's campaign.

A registered candidate's campaign may borrow funds to assist in his or her operations. However, there are restrictions on the source of loans, guarantees, and collateral security. At the conclusion of the campaign period, candidates must transfer any outstanding loans to the constituency association or registered party.

### Borrowing source

A registered candidate's campaign may borrow funds only from:

- a financial institution in Ontario; or
- a registered political party or constituency association in Ontario.

[Act reference 35(1)]

Any delay in paying suppliers or other liabilities may be deemed to be a loan from an ineligible source by Elections Ontario.

#### Example:

Suppliers' accounts must be paid within the credit terms normally imposed by the supplier or otherwise be considered a loan from an ineligible source.

Candidates and members of their campaign teams are not eligible to make loans.

No registered candidate's campaign may receive support in the form of a loan except as provided above. [Act reference 35(3)]

### Financial institutions and market rate

A financial institution must not make a loan at a rate of interest below the applicable market rate charged by the financial institution for an equivalent amount at or about the time and in the market area where the loan is provided. [Act reference 35(6)]

### Timing of borrowing

A registered candidate's campaign may borrow only during the campaign period.

## Guarantees and collateral security

A registered candidate’s campaign may receive support in the form of a guarantee or collateral security only from:

- an entity entitled to make a loan; or
- a person entitled to make a contribution.

[Act reference 35(4)]

No person or entity other than those provided above may guarantee or provide collateral security for a loan to a registered candidate’s campaign. [Act reference 35(6.1)]

A guarantee is considered a contribution for the purposes of this Act, and contribution requirements and limits apply. But a guarantee is not receipt-able until it is paid.

Therefore, the limit on a guarantee for a new loan is \$3,325 which is applied to the guarantor’s annual contribution limit.

The table below provides an overview of how guarantees are capped in a similar way to contributions:

Example #	Value of Guarantee	Guarantee Limit	# of Guarantors required
1	\$3,325	\$3,325	1
2	\$33,250	\$3,325	10
3	\$332,500	\$3,325	100

## Loans as contributions

A financial institution must not waive the right to recover the loan and a loan must not be made at an interest rate lower than the applicable market rate. [Act reference 35(7)]

If the borrower defaults on a loan, the financial obligation of the registered candidate’s campaign is transferred to the guarantor. Terms of repayment shall be reported to Elections Ontario.

## Time Limits - loans and guarantees

Every registered candidate who receives a loan must repay the loan in full no more than two years from polling day. [Act reference 35(9)]

No person shall guarantee the loan for a period longer than the applicable period of two years from polling day. [Act reference 35(10)]

## **Transfer of candidate's deficit**

Any deficit remaining from a registered candidate's campaign must be assumed by the registered constituency association or political party that endorsed the candidate. The constituency association or political party shall be responsible for ensuring that any borrowing is repaid. [Act reference 44(4)]

## **Reporting of loans**

Information regarding any borrowings must be reported to Elections Ontario as part of the financial statements.

Reporting must include:

- the name and address of the financial institution;
- the terms of the loan including the amount borrowed;
- the name and address of each guarantor and the amount guaranteed; and
- the amount outstanding at the end of the reporting period.

[Act reference 35(2)]

## Political Advertising

This section explains political advertising: the authorization requirements, the blackout period and survey restrictions.

### What is political advertising?

Political advertising is defined as advertising in any broadcast, print, electronic, or other medium with the purpose of promoting or opposing any registered political party or its leader or the election of a registered candidate. [Act reference 1(1)]

Political advertising includes advertisements in newspapers, journals, and magazines; promotion on TV and radio; and advertisements placed on billboards, bus shelters, and the Internet (including websites, blogs, and social networking sites), etc.

Political advertising also includes advertising with respect to an issue of public policy during an election for which one or more registered political parties or candidates may also have taken a position.

The Chief Electoral Officer considers the following criteria to determine if an advertising is political advertising:

- whether it is reasonable to conclude that the advertising was specifically planned to coincide with the period referred to in Spending Limits section (election period);
- whether the formatting or branding of the advertisement is similar to a registered political party's or registered candidate's formatting or branding or election material;
- whether the advertising makes reference to the election, election day, voting day, or similar terms;
- whether the advertisement makes reference to a registered political party or registered candidate either directly or indirectly;
- whether there is a material increase in the normal volume of advertising conducted by the person, organization, or entity;
- whether the advertising has historically occurred during the relevant time of the year;
- whether the advertising is consistent with previous advertising conducted by the person, organization, or entity;

- whether the advertising is within the normal parameters of promotion of a specific program or activity; and
- whether the content of the advertisement is similar to the political advertising of a party, constituency association, nomination contestant, candidate or leadership contestant registered under the Act.

## **What is not political advertising?**

Political Advertising does not include:

- the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news;
- the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election;
- communication in any form directly by a person, group, corporation or trade union to their members, employees or shareholders, as the case may be;
- the transmission by an individual, on a non-commercial basis on the Internet, of his or her personal political views; or
- the making of telephone calls to electors only to encourage them to vote.

Personal emails and similar personal communications on the Internet, mass or individual mailing, automated or individual telephone calls, and social media communications are generally not considered political advertising.

## **Authorization on political advertising**

All candidate political advertising must name the registered candidate authorizing the advertising.

No specific language is required for the authorization but it must be apparent what person or entity has caused the advertisement to appear and any other person or entity that has sponsored or paid for it.

An example of appropriate authorization wording is “Authorized by the XYZ entity”.

## Sign placement

The *Election Finances Act* does not address where signs can or cannot be placed. When placing signs on public property, consult the local municipality to see what local by-laws allow or, when placing signs near a highway, consult the Ministry of Transportation.

## Advertising restrictions

The following text explains the blackout period related to political advertising.

### Blackout period

A blackout period is defined as, in any election, the polling day and the day before polling day. No registered candidate may conduct paid commercial political advertising during a blackout period. [Act reference 37(2)]

Any media advertising of a fund-raising activity done between the day the writ is issued and polling day, must comply with the blackout period exceptions. This advertising will be exempt from the campaign expense limit and the time and content limits on political advertising.

No broadcaster or publisher may allow a paid commercial candidate election advertisement to appear during a blackout period. [Act reference 37(3)]

Even in situations where Internet advertising is claimed to be free, the rules around blackout restrictions apply. Internet advertising established before, and not altered during the blackout period, can remain posted. In addition, further electronic distribution of that advertisement during the blackout period is also prohibited.

### Exceptions to the blackout period

The restrictions around the blackout period do not apply to an official Internet website of a registered political party, registered constituency association or registered candidate, or their authorized lawn signs, pamphlets, mass or individual mailings, automated or individual telephone calls, or social media communications.

The following advertising activities are permitted during the blackout period:

- genuine news reporting, including interviews, commentaries, or other works prepared for and published by any newspaper, magazine, or other periodical publication in any medium without any charge to the registered political party. A broadcaster may similarly broadcast genuine news stories; however, these are subject to the provisions of and regulations and guidelines under the *Broadcasting Act (Canada)*;

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- the publication of political advertising on polling day or the day before polling day, in a newspaper that is published once a week or less often and whose regular day of publication falls on that day;
- a political advertisement on the Internet or in a similar electronic medium, if posted before and not altered or further distributed during a blackout period; and
- a political advertisement in the form of a poster or billboard, if posted before and not altered during a blackout period, such as advertisements on public transit buses, bus shelters, and subway stations.

[Act references 37(4) and 37(7)]

Lawn signs displayed and brochures distributed are not considered to be paid commercial political advertising and can appear at any time.

Personal emails and similar personal communications on the Internet, mass or individual mailing, automated or individual telephone calls, and social media communications are generally not considered third party political advertising and are not subject to the blackout period.

The following activities are also permitted during the blackout period:

- advertising public meetings in constituencies;
- announcing the location of registered candidates' and constituency associations' headquarters;
- advertising for volunteer campaign workers;
- announcing services for electors, regarding enumeration and the revision of electors' lists, that are offered by candidates or constituency associations;
- announcing services for electors that are offered by registered candidates or constituency associations on polling day (for example, "Babysitting services provided while you go out to vote" or "Rides to the polling station"); and
- anything involving administrative functions of registered candidates.

[Act reference 37(5)]

Such advertisements or announcements that are paid commercial political advertising may contain the name of a registered candidate or political party and may include a picture of the candidate or the logo of the political party.

However, mention of the particular exempt service or activity listed above must be the main feature of the advertisement or announcement. Also, the advertisement or announcement must not contain any slogan, motto, or other wording promoting the candidate or political party or opposing another candidate or political party, such as “Join the winning team”, “Work for continued good government”, “Our candidate is best qualified”, “Vote for”, etc.

## **Rates charged during campaign**

No publisher or broadcaster may charge any more for advertising at election time than it would normally charge anyone else for an equivalent amount of space or time during the same period. [Act reference 37(6)]

### **Example:**

When selling radio time, the station may not charge “triple A” rates for mid-morning slots.

The media may not give special low rates either.

### **Example:**

A broadcaster or publisher charging less for space or time than it would normally charge anyone else for an equivalent amount of space or time over the same period must have the difference between the normal rates and what they charge to the registered candidate considered a contribution.

In certain media, advertising rates may depend upon the volume of time or space purchased over the year. For the purposes of the *Election Finances Act*, the lowest rate must refer to the lowest rate available to any other customer purchasing the same volume of advertising as the volume of political advertising carried on by a registered candidate during the same period.

## **Restriction on election surveys**

An election survey is defined as an opinion survey of how electors voted or will vote at an election or regarding an issue with which a registered political party or candidate is associated. [Act reference 36.1(3)]

No registered candidate may publish, broadcast, or transmit to the public, in an electoral district on polling day before the close of all the polling stations in that electoral district, the results of an election survey that have not previously been made available to the public. [Act reference 36.1(1)]



## Campaign Expenses

This section explains campaign periods, and the related expenses and limits for a candidate.

Campaign expenses incurred by a registered constituency association are for the benefit of its registered candidate's campaign, and as a result the constituency association's CFO and candidate's CFO must work closely together during the campaign. It is ultimately the responsibility of the candidate's CFO to create a campaign budget and managing spending to stay within the joint spending limit.

All expenses are to be recorded and reported on the relevant financial statements. However, only certain expenses are treated as campaign expenses subject to the expense limit imposed by the *Election Finances Act*. For a fixed date general election, the campaign period is the period commencing at 12:01 AM on the day the writ is issued and terminating three months after polling day. For a by-election or general election with a non-fixed election date, the campaign period is the period commencing with the issuance of the writ for an election and terminating three months after polling day. [Act reference 1(1)]

### Campaign expense limits

The following text explains the campaign expense limits for a candidate in a general or by-election.

#### General

The *Election Finances Act* sets a joint limit on the amount that a registered candidate's campaign and constituency association may spend during a campaign. This is to help ensure that all candidates have an equal chance of being elected.

#### Campaign expense limit

The total campaign expenses incurred by a registered candidate's campaign, its registered constituency association, and anyone acting on behalf of the candidate's campaign or constituency association during a campaign period must not exceed the amount of \$1.40 multiplied by the number of electors in the candidate's electoral district. [Act reference 38(3.1)]

**Sample Campaign Expense Limits Based on Constituency Size**

Number of Electors Entitled to Vote	Joint Limits for Candidate and Constituency Association
80,000	80,000 × \$1.40 = \$112,000
120,000	120,000 × \$1.40 = \$168,000

**Example:**

- The number of electors entitled to vote in a candidate’s electoral district during an election is 80,000 so this number must be multiplied by \$1.40 to determine a joint campaign expense limit of \$112,000.
- The number of electors entitled to vote in a candidate’s electoral district is 120,000 so this number must be multiplied by \$1.40 to determine a joint campaign expense limit of \$168,000.

For registered candidates in the electoral districts of:

- Algoma-Manitoulin
- Kenora-Rainy River
- Kiiwetinoong
- Mushkegowuk-James Bay
- Nickel Belt
- Thunder Bay-Atikokan
- Thunder Bay-Superior North
- Timiskaming-Cochrane

the amount of the joint campaign expense limit is increased by an indexed amount. The amount for the 2022 calendar year is currently \$10,157. [Act reference 38(3.4)]

Expenses incurred by a registered political party or constituency association acting on behalf of a registered candidate’s campaign must be included in the total campaign expenses incurred by the candidate’s campaign, not the political party or constituency association.

## **Number of electors for determining expense limit**

In order to determine the limit on campaign expenses, the number of electors is defined as the greater of:

- the number of electors shown in the preliminary list of electors provided to candidates; and
- the number of electors entitled to vote as determined by Elections Ontario after polling day.

[Act reference 38(3.2)]

Elections Ontario will provide the preliminary elector count to each registered candidate's campaign to assist in preparing campaign budgets.

Following polling day and immediately after preparing the certified list of electors, Elections Ontario will notify each registered candidate's campaign of the number of electors upon which the campaign expense limit is to be determined.

## **Consequences where campaign expense limit is exceeded**

If a registered candidate's campaign spending exceeds the campaign expense limit, and the candidate is elected as a member of the Assembly, the member may be forced to vacate their seat by the Assembly. [Act reference 43(2)]

## **Approval of constituency association spending**

A registered candidate's CFO must state in writing to a registered constituency association endorsing that candidate the aggregate amount the constituency association may spend during a campaign.

A registered constituency association must not spend in excess of this amount without written approval by the candidate's CFO. [Act reference 38(5)]

## **Campaign expenses subject to the expense limit**

A campaign expense subject to the expense limit is any expense incurred for goods or services related to an election by or on behalf of a registered candidate's campaign for use in whole or in part during the period beginning with the commencement of the campaign period and ending on polling day. Campaign expenses subject to the expense limit do not include the following:

- expenses incurred by a candidate in seeking nomination in accordance with the *Election Act*;

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- expenses incurred by a registered candidate with disabilities that are directly related to the candidate’s disabilities;
- auditor’s and accounting fees;
- interest on loans authorized under the *Election Finances Act*;
- expenses incurred in holding a fund-raising event;
- expenses incurred for “victory parties” held and “thank you” advertising published after polling day;
- expenses incurred relating to administration of the registered constituency association;
- transfers authorized under the *Election Finances Act*;
- fees paid relating to using a credit card facility;
- expenses relating to a recount for the election;
- child care expenses of a registered candidate;
- expenses relating to research and polling; and
- travel expenses.

[Act reference 1(1)]

Campaign expenses include the value of any contribution of goods and services to the registered candidate’s campaign for use in whole or in part during the period beginning with the issue of the writ for an election and ending on polling day. [Act reference 1(1)]

Any expenses incurred by a registered political party or constituency association on behalf of a registered candidate’s campaign before a writ is issued must be examined to determine whether they must be accounted for as a campaign expense for the candidate’s campaign and subject to the candidate’s expense limit.

Political organizations are not exempt from paying HST. As a result, all HST charges must be included in the expenses.

### **Goods and services**

All goods or services provided, whether or not they are considered to be a contribution for the purposes of the *Election Finances Act*, are considered to be expenses incurred at fair market value.

## **Inventory of campaign materials**

The following text explains the treatment of campaign materials for a general or by-election.

### **Definition**

Elections Ontario considers campaign materials to normally consist of such things as lawn stakes, sign supports, usable literature, signs, office supplies, and other campaign materials for use in an election campaign.

### **Value of inventory**

Fair market value is used as the basis for determining the value of inventory transferred into the campaign accounts. Fair market value may be determined in several ways, with the more common methods being:

- recent invoice or quoted price;
- the lower of replacement or reproduction cost; or
- the price of recent comparable sales.

To value campaign materials available for use that were left from a previous campaign, replacement cost must be used. All reusable materials from a previous campaign must be included. This price will vary across the province and depends on local supply, competition, and the candidate's campaign's ability to produce its own signs or secure salvage materials, for example, to construct signs.

### **At the issuance of a writ for an election**

Once there has been a writ for an election, the value of all campaign materials in a constituency association's inventory account must be transferred from the registered constituency association to a registered candidate's campaign. The constituency association must provide to the candidate's campaign a detailed list of each item transferred and their fair market value.

Signs and brochures purchased and displayed or distributed before the writ was issued are not considered campaign expenses.

### **At the end of a campaign period**

At the end of a campaign period, the CFO of the registered candidate must determine the quantity of reusable campaign materials and the value of each item. A detailed list of these items and their value must be made by the CFO. Their value can be determined as follows:

- if the items are on hand at the start of the campaign period, use the value determined at that time; or

- if the items were acquired during the campaign, use the invoice price as the value.

The inventory of any reusable campaign materials remaining with the registered candidate's campaign at the end of the campaign period must be transferred back to its registered constituency association or political party.

## **Prepaid campaign expenses**

The following text explains the treatment of prepaid campaign expenses for a general or by-election.

### **Definition**

Elections Ontario considers prepaid campaign expenses to consist of things such as the cost of consulting services, production costs of advertising for use during the campaign, expenses incurred to create product used during the campaign, deposits for campaign offices and equipment, and rent for campaign offices and equipment.

Only a registered political party or constituency association can incur prepaid campaign expenses prior to the start of a campaign period. A candidate and his or her campaign must not have any financial activity prior to the start of a campaign period and prior to registration with Elections Ontario.

### **Renting a campaign office**

The rent negotiated for a campaign office must be at the going rate for that space as if it were being rented to anyone else in the community. If it is rented at a reduced rate, the discounted amount must be considered a contribution and must be acknowledged with a tax receipt for goods and services, which will count toward that contributor's contribution limit. A corporation or union must not rent out a campaign office at a reduced rate.

If a lease is being negotiated before the writ is issued, only the registered political party or constituency association may be involved financially as opposed to a candidate.

If improvements or modifications are made to an office rented for the campaign, part of these costs is subject to the expense limit.

#### **Example:**

When premises are leased for four months (120 days) with renovations carried out before the writ is issued, and the period from the day the writ was issued up to and including polling day is 30 days, then 30/120 of the total renovations and lease costs must be considered as expenses subject to the limit.

### **Installation and activation of communication devices**

Installation and activation charges of communication devices, such as telephones, cell phones, fax machines and Internet connections, are subject to the expense limit even if installed before the day the writ is issued. The usage charges incurred between the day the writ is issued and polling day are also subject to the expense limit.

### **Payment of campaign expenses**

The following text explains the payment of expenses for a general or by-election.

#### **Submission of payment claims**

Every person, corporation, or trade union that has any claim for payment in relation to a campaign expense must submit that claim (and related invoice or statement of account) within three months after polling day to the CFO of the registered candidate to which the expense relates. [Act reference 38(6)]

#### **Payment by CFO**

Every payment of a campaign expense must be made by the CFO of the registered candidate that incurred the campaign expense. All campaign expenses must be accompanied by supporting documentation except where the expense is less than \$25. [Act reference 38(7)]

#### **Disputed claims**

If the CFO disputes or refuses to pay any claim for payment for a campaign expense, the claim must be considered a disputed claim. The claimant may bring to court an action for payment. [Act reference 38(8)]

The details of disputed claims and the reason the claim is disputed must be reported in the financial statements to be filed with Elections Ontario.

### **Recording and reporting of campaign expenses**

Records of all expenditures must be kept. A list of all campaign expenses paid and outstanding, as well as any disputed claims for payment, must be reported to Elections Ontario with the campaign period financial statements.

## Public Funding of Expenses

This section explains the publicly funded audit subsidy and campaign expense reimbursement for a candidate.

Elections Ontario provides public funding for certain expenses:

- a subsidy for audit fees (if applicable) incurred by a registered candidate's campaign; and
- reimbursement for campaign expenses incurred by a registered candidate's campaign.

### Audit subsidy

If an audit is required, Elections Ontario will subsidize the cost of auditors' services for the examination and reporting on the financial statements by paying a subsidy to the auditor of a registered candidate. The amount of the subsidy is up to \$2,000 for a registered candidate. [Act reference 40(7)]

### When is an audit required?

The CFO must file audited financial statements for reporting periods where at least \$10,000 in contributions was accepted or expenses of at least \$10,000 were incurred.

To receive the audit subsidy, a CFO must include with the audited financial statements a copy of the auditor's invoice. If an audit is not required by the Act, Elections Ontario will not subsidize the cost of the audit.

The audit subsidy will be paid directly to the auditor, with the registered candidate's campaign responsible for the remaining portion of the invoice.

### Campaign expense reimbursement

The following text explains the campaign expense reimbursement entitlement and payments for a candidate.

### Reimbursement of expenses

A registered candidate who receives at least 5 percent of the popular vote in his or her electoral district is entitled to be reimbursed by Elections Ontario for its campaign expenses. The popular vote is defined as the total valid ballots cast.

The amount of the reimbursement for eligible registered candidates is the lesser of:

- 20 percent of the campaign expenses of the candidate's campaign and registered constituency association endorsing the candidate for



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the campaign period, as shown on the campaign period statement of income and expenses filed with Elections Ontario; and

- 20 percent of the campaign expense limit to which the candidate's campaign and constituency association are subject.

[Act reference 44(1)]

For registered candidates in the electoral districts of:

- Algoma-Manitoulin
- Kenora-Rainy River
- Kiiwetinoong
- Mushkegowuk-James Bay
- Nickel Belt
- Thunder Bay-Atikokan
- Thunder Bay-Superior North
- Timiskaming-Cochrane

the amount of reimbursement is increased by an indexed amount. The amount for the 2022 calendar year is currently \$10,157. [Act reference 38(3.4)]

Following polling day and immediately after preparing the certified list of electors, Elections Ontario will notify each registered candidate's CFO of the number of electors upon which the reimbursement of expenses is to be determined.

Refer to the Form Completion Guide for further details on how to calculate the campaign expense reimbursement.

Any reimbursement that a registered candidate's campaign is entitled to will be sent to the candidate's mailing address on file with Elections Ontario.

### **Conditions for reimbursement**

A registered candidate's campaign is not entitled to a reimbursement unless:

- the campaign period financial statements of the registered candidate have been filed;
- the campaign period financial statement of a registered constituency association endorsing the candidate has been filed; and

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- Elections Ontario is satisfied that the registered candidate and constituency association meet the requirements of the *Election Finances Act*.

[Act reference 44(3)]

**Deficit in a candidate’s account**

Where a registered candidate’s financial statements show a deficit, any reimbursement that the candidate’s campaign is entitled to must be first used to reduce the deficit.

Any remaining deficit must be assumed by the registered constituency association or political party endorsing the candidate. [Act reference 44(4)]

## Financial Statements

This section explains the requirement for and filing of financial statements for a registered candidate, and the consequences for the failure to file.

Every registered candidate's campaign must file financial statements after each campaign period. The accounting policies and procedures used for the financial statements are prescribed by Elections Ontario for compliance with the *Election Finances Act*. The act also requires Elections Ontario to examine and review all financial statements submitted.

### When is an audit required?

The CFO must file audited financial statements for reporting periods where at least \$10,000 in contributions was accepted or expenses of at least \$10,000 were incurred.

To appoint an auditor, complete the Appointment of Auditor (Form AUD-1).

### Content and filing date

A campaign period is the period beginning with the issue of a writ for an election and ending three months after polling day. [Act reference 1(1)]

The CFO of a registered candidate must file signed, campaign period financial statements (Form CR-1) and supporting documentation with Elections Ontario within six (6) months after polling day. The campaign period financial statements must include all activities relating to the campaign period.

The campaign period financial statements includes the following:

- registered candidate information;
- certification by the candidate and CFO of the information reported in the financial statements;
- signed auditor's report on the financial statements and a copy of the auditor's invoice (if applicable);
- statement of assets and liabilities;
- statement of income and expenses;
- notes to the financial statements and schedules of accounting policies and procedures used;
- signed auditor's report on the supporting schedules of the financial statements (if applicable);

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- supporting schedules for the following:
  - o borrowings and overdrafts;
  - o contributions and tax receipt form reconciliation;
  - o fund-raising events;
  - o transfers;
  - o campaign period expenses, which consists of a list of suppliers where expenditures exceed \$200 and statement of disputed claims;
  - o inventory and prepaid expenses;
  - o list of accounts receivable;
  - o list of accounts payable;
  - o calculation of candidate’s campaign expense limit and reimbursement entitlement; and
- a copy of all used tax receipts and cancellation notices.

[Act reference 42(2)]

The supporting schedules are an integral part of the financial statements. It is important that each schedule agrees with the primary statements.

Refer to the Form Completion Guide for directions on how to complete these financial statements.

### **Deficit in a candidate’s account**

Where a registered candidate’s financial statements show a deficit, any reimbursement that the candidate’s campaign is entitled to must be first used to reduce the deficit.

Any remaining deficit must be assumed by the registered constituency association or political party endorsing the candidate. [Act reference 44(4)]

### **Surplus in a candidate’s account**

Any surplus in a registered candidate’s campaign account, determined by taking into account the candidate’s financial statements and any reimbursement that the candidate’s campaign is entitled to, shall be immediately paid:

- in the case of a candidate endorsed by a registered political party or constituency association, to the political party or constituency association endorsing that candidate;
- in the case of an elected independent candidate, to their constituency association; or
- in the case of an unelected independent candidate or an elected independent candidate where no constituency association exists, to Elections Ontario.

[Act reference 44(5)]

## **Financial statements format**

A registered candidate's campaign may keep computerized records of the information required by the statutory disclosure provisions and generate the statements from computers.

Computer-generated statements must contain all the required information in a format substantially similar to Elections Ontario's forms.

## **Accounting methods to be followed**

The accounting methods set out below are prescribed by Elections Ontario for use in preparation of all financial statements:

- Cash basis for contributions:
  - Contributions are considered accepted when deposited and cleared through the bank. When issuing tax receipts, the acceptance date must be the date of deposit.
- Accrual basis:
  - The accrual basis of accounting must be used so that expenses are recorded when they are incurred.
  - The accrual basis of accounting takes into account:
    - expenses incurred but not paid or for which bills have not yet been received (accounts payable);
    - income on investments that has been earned but not yet received;
    - contributions received in the mail after the end of the period in envelopes postmarked in the reporting period; and

- transfer payments not yet received but in transit.
- Furniture and other equipment:
  - Furniture, fixtures, printing equipment, etc. must be charged to expenses when purchased. The existence of such assets must be indicated by showing them at the nominal value of \$1 in any statement of assets and liabilities.

All figures contained in financial statements may be rounded to the nearest dollar.

### **Communication with the auditor (if applicable)**

The auditor must report on whether the financial statements and supporting schedules fairly present the information contained in the financial records. As a result, it is necessary that the CFO and auditor meet to discuss the audit and filing process. It is recommended that the two meet before the period-end date to determine cut-off and closing procedures and to agree on a date when the auditor will be given access to all records, documents, books, accounts, and vouchers of the candidate's campaign that may be necessary to issue the auditor's reports. [Act reference 40(4)]

### **Delivery of financial statements**

Elections Ontario will accept financial statements by any delivery method so long as the filing is complete. Examples of accepted delivery methods include mail, fax, email, or hand delivery. Mailed financial statements that are postmarked or courier receipted on or before the filing date will be accepted as on time so long as they are complete.

The Political Entity Portal (PEP) is an optional online filing tool that candidate campaigns can use to file their financial statements. All active key stakeholders who are affiliated to a registered candidate have access to the portal pending a brief sign-up activity. Contact us at [eFiling@elections.on.ca](mailto:eFiling@elections.on.ca) for more information on PEP.

### **Retention of records**

The financial records must be kept for a minimum of six (6) years as recommended by the Canada Revenue Agency (CRA).

The financial records must be retained at the place where records are kept on file with Elections Ontario.

## **Failure to file financial statements**

Where the CFO of a registered candidate, fails to file any part of the campaign period financial statements, the candidate will be ineligible to run in any election up to and including the next general election, until the financial statements are properly filed. [Act reference 43(1)]

Where the CFO of a registered candidate who is elected as a member of the Assembly fails to file any part of the campaign reporting period financial statements, the member may also be forced to vacate their seat by the Assembly. [Act reference 43(2)]

If a person knowingly fails to file financial statements, this may be an offence under the *Election Finances Act*. Under section 46 of the *Election Finances Act*, the chief financial officer may be subject, upon conviction, to a fine of up to \$5,000 and the candidate may be subject, upon conviction, to a fine of \$50 for each day the default continues.

## Administrative Penalties

This section explains penalties administered by the Chief Electoral Officer for certain contraventions of the Act.

The *Election Finances Act* was amended with the introduction of administrative monetary penalties on April 19, 2021. The payment of administrative penalties may be ordered by the Chief Electoral Officer for certain contraventions of the Act. [Act reference 45.1]

If an administrative penalty applies to any area covered by this handbook the maximum amount of the penalty, which is specified by the Act, will be shown.

The application of administrative penalties and the amount of the penalty, subject to the legislated maximum, is entirely at the discretion of the Chief Electoral Officer. The Act sets out criteria that the Chief Electoral Officer must consider when deciding on an administrative penalty.

A person or entity who is served with an order to pay an administrative penalty may appeal the Chief Electoral Officer's decision by filing an application with the Superior Court of Justice within 30 days from the date the order was served.

If a person or entity who is required to pay an administrative penalty fails to comply with the requirement, the Chief Electoral Officer may file the order that requires payment with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

## Applicable Administrative Penalties

The following administrative penalties are applicable to candidates.

- **Failure to include authorization on political advertising.**  
Maximum penalty is \$10,000 for individuals and \$100,000 for corporations or other entities.
- **Acceptance of contributions by an unauthorized individual.**  
Maximum penalty is \$1,500 for individuals and \$5,000 for corporations or other entities.
- **Publishing or broadcasting previously unpublicized election survey results.**  
Maximum penalty is \$1,500 for individuals and \$5,000 for corporations or other entities.
- **Violation of the blackout period.**



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Maximum penalty is \$10,000 for individuals and \$100,000 for corporations or other entities.

- **Exceeding the campaign spending limit.**  
Maximum penalty is \$1,500 for individuals and \$5,000 for corporations or other entities.